

Guideline C-5

Registration on Title of Certificates of Approval for Waste Disposal Sites

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Ontario Ministry of the Environment
Environmental Approvals Branch

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SYNOPSIS

The primary purpose of this guideline is to ensure that members of the public have access to information about municipally or privately-owned lands used for waste disposal sites. The guideline covers the registration on title of Environmental Compliance Approvals for existing and new waste disposal sites in which waste is disposed on or in the ground, other than soil conditioning sites.

The guideline will be enforced by placing conditions on applicable approvals.

1.0 Objective

The intent of this guideline is to ensure members of the public have access to information about municipality or privately-owned land used for waste disposal sites which pose potential hazards.

1.1 Present or Future Disposal Sites

This guideline applies to all existing and new waste disposal sites in which waste is disposed on or in the ground (other than soil conditioning sites).

1.2 Past Disposal Sites

This guideline does not apply to abandoned waste disposal sites (certified or uncertified) unless specific safety hazards noted in Section 2, below, have been identified.

1.3 Sites on Unpatented Crown Land

This guideline does not apply to sites located on unpatented Crown land.

2.0 Potential Hazards from Waste Disposal Sites

Potential hazards associated with waste disposal sites include:

- (a) contamination of ground and surface water;
- (b) methane gas production and migration;
- (c) leachate (liquid) production and migration;
- (d) land subsidence due to waste settling and decomposition; and
- (e) other hazards.

3.0 Registration on Title

Requirements imposed by a Director upon any waste disposal site as conditions in an Environmental Compliance Approval become part the approval.

3.1 Section 19(1) EP Act

Conditions in an Environmental Compliance Approval bind the successor or assignee of the interest in the land.

3.2 Registration

The Director will require in a condition of the Environmental Compliance Approval that the site has registration on title using appropriate registry procedure. Procedures can be found in either of the following Acts:

- i. The Land Registry Act
- ii. The Registry

3.3 Section 197, EP Act

A control document affecting land can require that the land not be sold unless the purchaser is first notified of the problem by being given a copy of the control document; such a requirement can be registered on title (a form to be used for such registration has been prescribed by O. Reg. 14/92 and O. Reg. 15/92 of the EPA and Ontario Water Resources Act, respectively); a purchaser of land can void the purchase if the purchaser was not given a copy of the control document as required (EPA, Section 197). [Note: The requirement that land not be sold without a warning would not be effective when the land is owned by a corporation and a new owner buys the shares of the corporation; presumably, persons conducting business such as this can protect themselves.]

4.0 Buffer Zones

The following sections discuss the requirements for buffer zones surrounding operating waste disposal sites and new waste disposal sites.

4.1 Operating Waste Disposal Sites

Table 4.1 addresses buffer zones requirements for waste disposal sites.

Table 4.1: Buffer Zone Scenarios

Item	Scenario	Requirements
a.	Buffer Zone(s) that are Owned by the Owner or Operator of a Waste Disposal Site	All Buffer Zones shall be registered on title
b.	Buffer Zones Not Owned by the Owner or Operator of a Waste Disposal Site	The Owner or Operator of the site must: <ul style="list-style-type: none">• carry out a study of the potential hazards• implement remedial measures

4.2 New Waste Disposal Sites

The requirements detailed in Conditions 3, 4 and 7 of Regulation 232 and those requirements identified in Item (a) of Table 4.1 apply to buffer zones for all new waste disposal sites.

5.0 Abandoned Waste Disposal Sites

When potential hazards noted under Section 2 above have been identified at abandoned waste disposal sites, the following measures identified in Section 5.1 and 5.2 may be employed to notify the public of the hazards.

5.1 Director's Actions

The Director may perform any of the actions listed in Table 5.1:

Table 5.1 Potential Directors Actions

Action No.	Action
a.	Issue an order and require registration on title as in Section 3 above
b.	Encourage the municipality to take appropriate steps with respect to official plans, restricted area (zoning) by-laws, subdivision controls and severance controls
c.	Offer advice on remedial measures to property owners

5.2 Municipalities' Actions

Municipalities may control potential hazards by invoking the measures under Section 5.1(b) and (c) above, or by municipal ownership of the property.

